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June 12, 2002 JUN 12 PM 2 57

VIA HAND DELIVERY

David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance  
(InterLATA) Service in Tennessee Pursuant to Section 271 of  
the Telecommunications Act of 1996*  
Docket No. 97-00309

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Response to the Response of CLECs to the Proposed Hearing Dates. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH:ch

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

In Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*

Docket No. 97-00309

**BELLSOUTH'S RESPONSE TO RESPONSE OF CLECS TO  
THE PROPOSED HEARING DATES**

BellSouth Telecommunications, Inc. ("BellSouth") hereby files its Reply to the CLECs' response to the proposed hearing dates.

While the CLECs title their filing as a "Response," it is really yet another motion to suspend these proceedings. The Authority should deny the CLECs' Motion to Suspend BellSouth's 271 proceeding because it has no intrinsic or factual merit and seeks only to delay the benefits of long distance competition to the consumers of Tennessee.

The CLECs first argue that the Authority should suspend this proceeding because BellSouth failed to submit evidence of its provision of nondiscriminatory access to OSS. This argument is circular and, more than any other argument, highlights the CLECs' motive of delay. BellSouth explicitly stated in its 271 filing that, due to the bifurcation imposed by the TRA, BellSouth would file evidence of its provision of nondiscriminatory access to OSS in the OSS docket. The prehearing officer in this case has left BellSouth with no alternative but to proceed in this manner. The fact that the OSS docket is lagging behind the 271 docket

somewhat is no reason not to proceed with this docket. While it was certainly BellSouth's preference that the two dockets proceed in lock-step, the fact that they are on different schedules does not mean that one must stop until the other is decided. If the schedules were reversed, it is likely the CLECs would have argued that the OSS case must be suspended until such time as the Authority made a decision in the 271 case. Hence, the circular argument. Under the CLECs' view of the world, there is no way to move forward, a result that is exactly what the CLECs want and what the Authority should deny.

The CLECs' position is even more disingenuous when viewed in the context of the CLECs' filings in the OSS docket. In AT&T's Response to Proposed Issues List, Docket No. 01-00362, 01/15/02, AT&T explicitly argued that the purpose of Phase II was to "examine[] the reliability of data and test results deemed applicable by the Authority. In addition, Phase II seeks recommendations on the scope and structure of any third-party test that the Authority may require in Tennessee to obtain the necessary information to evaluate the compliance of BellSouth's OSS with state and federal law." In other words, in the CLECs' view, the question of whether BellSouth is providing nondiscriminatory access to its OSS is not an issue in the OSS docket. Moreover, AT&T opposed BellSouth's addition of an issue specifically addressing whether BellSouth provides nondiscriminatory access to its OSS in compliance with Checklist Item 2. Thus, while in the current docket the CLECs are arguing that the 271 proceeding should be suspended until "the Authority has completed Phase II of [the OSS docket] and determined whether

BellSouth provides nondiscriminatory access to its OSS in Tennessee," in the OSS case the same CLECs are arguing that nondiscriminatory access to OSS is not an issue in the docket. Such self-serving and directly contradictory positions by the CLECs should not be condoned by the Authority.

In short, BellSouth stands ready to demonstrate to the Authority its compliance with Checklist Item 2. As of yet, however, the Authority has not provided BellSouth a forum to make such a showing. This fact, however, is no reason for the Authority to delay consideration of the evidence it has chosen to accept.

Second, the CLECs reiterate their argument that the Authority cannot proceed with its consideration of BellSouth's Section 271 application without having implemented the TRA's performance measurements order. As BellSouth has argued to the Authority on multiple occasions, this is not the case. BellSouth has provided the Authority with an enormous quantity of Tennessee-specific data collected in accordance with the Service Quality Measurement Plan ("SQM") adopted by the Georgia Public Service Commission. This is the same SQM relied upon by the FCC to approve BellSouth's 271 applications in Georgia and Louisiana, and the same SQM adopted by Alabama, Kentucky, North Carolina, Mississippi and South Carolina (over identical objections from AT&T) for purposes of assessing BellSouth's compliance with Section 271. Louisiana and North Carolina adopted the Georgia SQM to assess BellSouth's Section 271 compliance even though each of those states has adopted a permanent performance measures plan to use on a

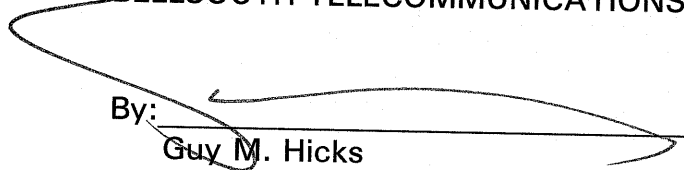
going-forward basis, just as Tennessee's has done. There is no reason for the Authority to delay consideration of BellSouth's application, for what could be months, when it has a thorough and complete set of performance data collected in accordance with and SQM relied upon by the FCC in two prior successful section 271 applications.

For these reasons, BellSouth requests that the Authority deny the CLECs' Motion to Suspend. The Authority has before it an enormous quantity of evidence on which it can assess BellSouth's compliance with the vast majority of the checklist items. There is no reason to delay consideration of that evidence. When the Authority gives BellSouth the opportunity to file its evidence on its provision of nondiscriminatory access to OSS, BellSouth will make such a filing. Until such time as BellSouth has that opportunity, however, the Authority should move forward with the evidence it has.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

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### CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2002, a copy of the foregoing document was served on the parties of record, via hand delivery, facsimile, overnight or US Mail, addressed as follows:

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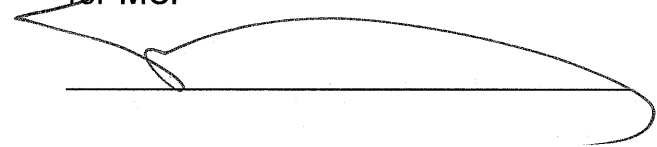
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